

WEBER AND VALLON
CONFIRM ROSE'S STORY

Continued from first page.

court gave the strictest orders to admit no one except by special cards, which were issued by the clerk of General Sessions. The lives of Justice Goff, District Attorney Whitman and John F. McIntyre, counsel for the defense, have been threatened several times since the trial began, through the agency of anonymous letters and telephone calls. It was said.

Justice Goff said he believed the gangsters were resorting to every means to get into the courtroom to intimidate witnesses.

The added precautions to guard witnesses and those most closely concerned in the trial, were taken after Justice Goff had held a conference in his chambers with Captain Lynch, of the court squad; District Attorney Whitman and John F. McIntyre, counsel for the defense. Two of Captain Lynch's officers from the Elizabeth street station were ordered to guard the door of the courtroom unrelentingly while the trial was in session, and allow no one to pass in who could not be properly identified.

"If this is not sufficient I shall appeal to the Sheriff of the county to fill the courtroom with armed deputies," Justice Goff declared.

Sheehan Put on Stand.

Winfield R. Sheehan, secretary to Police Commissioner Waldo, was a witness yesterday. He was called to identify certain police records which Assistant District Attorney Moss desired to introduce in evidence. They were admitted later, when Grant Crabtree, filing clerk at Police Headquarters, was on the witness stand, and proved to be the records of letters and complaints, some anonymous and some signed, alleging that Lieutenant Becker was collecting graft money from the gamblers and asking the Commissioner

to investigate. Some of the letters had first been sent to Mayor Gaynor, who forwarded them to the Police Commissioner. The complaints were all received in the latter part of March and early April of this year.

According to the police records, the complaints had been turned over to Becker or one of his men, usually Detective White, of the "strong arm" squad, for investigation. Becker's reports were attached to the records. They were to the effect that the identity of the persons writing the letters could not be established.

One letter to Commissioner Waldo, signed "Harry Williams" and dated March 30, 1912, read:

"I would like to have you investigate quietly Lieutenant Becker. He is collecting more money than Devery ever did. You will be surprised at the results."

The Williams letter was turned over to Detective White, who reported to Becker that he could not find the Harry Williams who wrote the letter after trying all the Harry Williamses in the city directory. Becker so reported in his formal report to Commissioner Waldo.

Said He Knew Rose.

Another complaint, which was not signed because the author said he "feared for his life," was to the effect that Rosenthal's gambling house in West 45th street was running wide open, with "Jack" Rose in control. Rose was named as Becker's collector. Becker reported to Commissioner Waldo in this instance that he knew Rose and that Rose had become a valuable "collector of information" for the police since he, Becker, raided the Rose gambling house in Second avenue a few months before.

Becker said in his report that he also knew Rosenthal, who was running an alleged gambling house, against which he expected to get enough evidence to raid. This complaint was dated March 27, 1912. Rosenthal's place was raided—the fake raid as the people's witnesses contend—by Becker and his men about April 15.

The records were admitted over strenuous objections by counsel for the defense.

WEBER LOOKS CREDULOUS
BUT IS STEELY WITNESS

"Bridgie" Weber was called as a witness soon after court opened. Mr. Sheehan, Commissioner Waldo's secretary, having occupied the stand only a few minutes prior to that in identifying some police records. Weber presented a dapper appearance as he walked briskly to the stand. Most of the earmarks of the trained and hardened gambler and dive keeper, which he admitted he was, were missing, so far as the casual observer could see. He looked prosperous, and even somewhat credulous, but the look of credulity disappeared as he proceeded with his examination, and he answered always in a cold, emotionless tone, his voice being distinct and clear.

Assistant District Attorney Moss hurried the witness through his story and finished the direct examination in about an hour. Weber was afterward submitted to a grilling cross-examination by Mr. McIntyre, for the defense, which lasted for nearly three hours.

In answer to Mr. Moss's opening questions Weber said he was thirty-five years old and lived at No. 136 Second avenue. He admitted he was a gambler, had been in the business for several years and had been fairly successful. He once ran an opium joint in Pell street, Chinatown.

Sub-Collector for Becker.

"Did you ever have any business relations with 'Jack' Rose?" asked Mr. McIntyre.

"Yes," said Weber; "I collected money for him from gamblers for Lieutenant Becker."

Weber said he had known Rosenthal for three years, "Jack" Rose for three years and Harry Vallon and "Jack" Zellig for two years. The examination continued.

Q—When did you meet Becker? A—About two years ago in a café in 42d street.

Q—When next did you meet him? A—A year later with "Jack" Rose in front of my place, 42d street, near Sixth avenue.

Q—When next did you see him? A—He came to my place quite often. He came inside the place, and I saw him.

Q—Did Lieutenant Becker ever raid your poker room? A—No.

Q—Did you ever have any conversation with Lieutenant Becker about Herman Rosenthal?

The defense objected. Becker's face, which had been smiling and cheery, became stern and he leaned forward and glared rigidly at the witness. The objection was overruled and the witness replied:

Q—Where and when was the conversation? A—At 12th street and Seventh avenue, in the latter part of June.

Q—Who else was there? A—Harry Vallon and "Jack" Rose.

Q—How did you come to be there? A—I was at my place and had a conversation with "Sam" Schepps and we went up to 12th street and Seventh avenue, where we saw Lieutenant Becker, Vallon and Rose.

Q—What happened? A—Becker called me to one side and spoke to me.

In Fear of Whitman.

Q—What did he say? A—He said, "Well, he is doing the limit. He was to see McAdoo, Waldo and the Mayor, and he is going to see the District Attorney and if he gets to him it's all off."

Q—What did he say then and whom was he speaking of? A—He was speaking of Rosenthal and he said, "See to it that 'Jack' Rosenthal is croaked."

I said: "That is a serious thing to say to a man murdered." He said: "If he gets to Whitman lots of people will be in trouble." He then said that it would be all right, he would protect everybody, and there would be no trouble. I said: "All right, Charlie," and he got into a car and went away.

Q—What did you do then? A—I went down to my poker room.

Q—Did you talk on the telephone? A—Yes.

Q—Did you recognize the voice? A—Yes, it was Becker.

Q—What did he say to you? A—He wanted to see me at the corner of 14th street and Irving Place. I saw him, and he said: "What are you doing with that—Rosenthal? He is making

his personal character which the lawyer suggested, but maintained he was there to tell the truth and to save his own scalp.

Weber, unlike Rose, admitted that his conscience pricked him when he was planning to have Rosenthal killed. He had been on very friendly terms with Rosenthal and the latter's wife a short

time before the murder. He admitted that he had sent Mrs. Rosenthal \$50 to help defray the funeral expenses the day after her husband was shot. He didn't say whether it was done as a "blind" or in kindness toward the victim's wife. He admitted that he felt somewhat "shocked" when he spoke friendly to Rosenthal at the Metropole a few minutes before the gambler was shot. Weber had come to the hotel to find the victim and take the word back to the gunmen who were waiting in his poker parlor at 42d street and Sixth avenue.

Mr. McIntyre took Weber over the history of his gambling experience. He admitted that he had run various gambling houses on the East Side, all of which had been raided, some of them by Becker and his "strong arm" squad. His poker parlor had never been raided until after the murder.

The cross-examination went on.

Q—How long had you known Herman Rosenthal? A—Many years.

Q—Did you ever gamble in his house? A—No.

Q—Did he ever gamble in your house? A—No.

Q—Did you ever have a place at No. 9 Peck street? A—Yes.

Q—Was it an opium joint? A—It was.

Q—How long did you run it? A—Two years.

Q—You know that you ran that and the gambling place in violation of the law? A—Yes.

Q—Your memory good or bad? A—I think it is pretty good.

Q—In your direct examination you said that Becker said: "That is trying to see Waldo, Gaynor and the District Attorney. If he gets to the District Attorney there will be trouble. He ought to be croaked." Did you say that? A—Yes.

Q—When was that conversation? A—In the latter part of June.

Q—Was it so important that you can't remember? A—I can't recall the date.

Q—What time of the day was it? A—About 11:30 at night.

At this point Mrs. Weber, dressed in a black tailcoat suit and wearing a blue hat, with white trimming, entered the courtroom and took a chair inside the rail.

Q—At this meeting who was present? A—Vallon, Rose, Becker and myself.

Q—Did you ever see Itzky after that? A—Yes.

Q—When did you see him? A—I don't know.

Itzky Seemingly Important.

Q—Where did you see him? A—Around Second avenue, where I live.

Q—Can't you give me the date? A—I can't.

Q—Did you talk with him? A—Yes.

Q—On the night of the murder did you see Itzky? A—Yes.

Q—Did you say to any one that Itzky was with you? A—No.

Weber told of meeting Becker at Fourth avenue and 13th street a few days before the murder, and declared that Becker urged him to "get busy" and have it done. Weber went to New Jersey with his family that day and did not return until July 13. There was no one with them when he had the Fourth avenue conversation with Becker, he said. Weber saw the gunmen at the Lafayette Baths on the night he returned from the country, he said. Rose was there, and they discussed the murder of Rosenthal.

Mr. McIntyre examined the witness at length about his meetings with "Sam" Schepps and the conversations they had during the period when the plot was being hatched. Weber insisted that none of the conspirators took Schepps into their confidence. Schepps had a reputation of being too talkative. They were always not to discuss the murder when Schepps was around.

"You and Rose are trying to eliminate Schepps from this murder in order to have him corroborate your testimony, aren't you?" asked Mr. McIntyre.

"That is not true," said Weber.

Mr. McIntyre interrogated the witness about his confidence and his cold blooded part in the murder plot along the following lines:

Q—What was the date when Becker told about Rosenthal croaked? A—The 10th of July, at the Union Square Hotel.

Q—Did you say you would croak Rosenthal? A—I said I would take care of it.

Q—Were you very much shocked? A—I was.

Q—Did it trouble you? A—I did.

Q—When you say you were shocked, did you tell any one? A—No.

Q—Becker never did you any harm, never raised you? A—No.

Q—Did you tell your wife of the plot? A—No.

Conscience Troublesome.

Q—Did you have any trouble with your conscience? A—Yes, I did.

Q—Still, you made arrangements for the murder? A—Yes.

Q—On direct examination, you said that when Becker told you to go on and secure the murder, you promised to do so? A—No.

Q—Have you ever committed any murder? A—No.

Q—Were you implicated in the murder of Kid Toot and Spanish Louis? A—No.

Q—Did you want to see Herman Rosenthal killed? A—I did not.

Q—Did you have any trouble with Rosenthal? A—No.

Q—Didn't you say that Herman Rosenthal procured the breaking of your jaw? A—No.

Q—You had your jaw broken? A—Yes.

Q—Were you friendly with Herman Rosenthal? A—Not very.

Q—Why were you unfriendly? A—He

borrowed money from me and didn't pay it back.

Q—Were you on speaking terms with him? A—Yes.

Q—Did you have trouble because he was your rival in the gambling business? A—No.

Q—You were willing to see him put out of the way? A—Yes.

Q—Were you anxious to have Rosenthal killed? A—I was not.

Q—You know that Herman Rosenthal told you he was responsible for the robbery of your stucco house in Third avenue, near 14th street? A—I never owned the place.

Q—Did you tell that to Sneezy John Baker? A—No.

Q—Did you know that Spanish Louis, Johnny Baker and Tough Tony did it? A—Yes.

Q—Did you say to them that Rosenthal had had them broken jaw? A—No.

Q—Did Rosenthal say anything about your broken jaw? A—Yes; he said he was sorry.

Q—There was your jaw broken? A—At 14th street and Third avenue.

Q—Did you say to him that Tough Tony had broken your jaw with brass knuckles at his order? A—I did not.

Q—Did you know a man named Dave Mandel? A—No.

Q—Did a man of a similar name wait for you at the time of the murder? A—A man named Dave Mandel, yes.

Q—Was he a large man, wasn't he? A—Yes.

Q—Wasn't he with you the night of the murder to shield you? A—No.

Q—When you saw him, did you ever tell the defendant that Rosenthal was responsible for having your jaw broken? A—No.

Q—Do you know Officer Val O'Farrell? A—Yes.

Q—Did you have any one arrested for the injury to you? A—I did.

Q—Who was it? A—A man named Terrance, known as Tough Tony.

Q—When you saw him, did you tell O'Farrell that the assault was made because Rosenthal asked him to do it? A—No.

Q—Did you ever say Rosenthal was the cause of you getting your jaw broken? A—I never did.

Q—Do you have any trouble with Becker? A—No.

Not in Fear of Becker.

Q—You were not in fear of Becker, were you? A—I was not.

Q—He had never done anything to cause you alarm? A—No.

Q—Did you know "Spanish" Louis, who was murdered? A—Yes.

Q—Do you know who murdered him? A—No.

Q—Never talked to him at all? A—No.

Q—Do you know "Jack" Sullivan or Relek? A—Yes.

Q—How long? A—Fourteen years.

Q—Do you know "Spanish" Louis, who was murdered? A—Yes.

Q—Do you know who murdered him? A—No.

Q—Do you contribute money to the man or men who murdered him? A—No.

Q—Do you remember being called up for that purpose? A—I do not.

Q—On the "Sam" Paul excursion, when all were together, did you hear Rose say that Rosenthal's name as he ought not to be brought into the case? A—No.

Referring to the "Sam" Paul Club outing the Sunday before the murder, Mr. McIntyre continued:

Q—Was there anything said on the "Sam" Paul outing, before the murder, about killing Rosenthal? A—No.

Q—Was Schepps there? A—Yes.

Q—Did he discuss the murder? A—No.

Q—On the "Sam" Paul excursion, when all were together, did you hear Rose say that Rosenthal's name as he ought not to be brought into the case? A—No.

Q—Did Schepps say: "It is high time that Rosenthal was croaked"? A—No.

Q—Did "Sam" Paul say that if Rosenthal was croaked Becker would be after all of us, for he knows us? A—He did not.

Was Becker Threatened?

Q—Did Schepps say: "Becker has but one life and a bullet or two could put him out of the way as well as others"? A—Yes.

Q—Did you all discuss the squealing? A—Yes, all except "Sam" Paul.

Q—There were some four hundred or five hundred people on the excursion, and they all discussed the squealing? A—Yes.

Q—Was Schepps there? A—Yes.

Q—Did he discuss the murder? A—No.

Q—He hangs around Vallon and Schepps? A—Yes.

Q—He is known as "Jack" Rose's lobbyist, isn't he? A—No.

Q—What is a lobbyist? A—A man who hangs on and around somebody.

Q—Do you remember that on the "Sam" Paul outing you men decided that the best thing to do was to give him an interest in the Eagle stucco game? A—No.

Coming to the night of the murder, Weber said he was arrested the same night. He admitted that he lied to the police and denied any connection with the murder. He admitted he had told Commissioner Dougherty that he had had nothing to do with it, and that Lieutenant Becker was innocent of any connection with Rosenthal's death. The witness said he was promised immunity by the District Attorney if he told the truth and it was shown that he did not fire a shot.

Counsel for the defense examined the witness in regard to his conversations with "Jack" Sullivan at various times. This line of inquiry showed that the defense intended to call Sullivan as a witness.

The cross-examination continued:

Q—How long have you known "Jack" Sullivan? A—Fourteen years.

Q—Where was he in the Tombs with this case? A—Yes.

Q—Did you talk with him? A—Yes.

Q—Where? A—We were in the same cell.

Q—How long did you talk to him? A—About two hours.

Q—How long was that before you made your confession? A—About a week before at Police Headquarters.

Q—Well, then, did you see him in the Tombs or City Prison or in the counsel room? A—Yes.

Q—Did you talk of the murder? A—Yes.

Q—At Headquarters, did you talk with him, Vallon and Rose? A—Yes.

Hints at "Frame-up."

Q—At any time during your confinement at Police Headquarters or the City Prison, did you say to "Jack" Sullivan: "I promised \$500 to 'Jack' Rose for him to be implicated in this"? A—No.

Q—Did you remember a conversation between "Jack" Sullivan and you in which Sullivan said: "Bridgie, for God's sake don't frame him up." And then you said: "I and Vallon and Rose would frame up Waldo, the Mayor or anybody else to get out of this"? A—That was not true.

Q—Do you remember on August 8 you occupied opposite cells? A—Yes.

Q—Do you remember at exercise period saying to Sullivan: "I am sorry for you"? A—Yes.

Q—You told Sullivan that he was innocent? A—Yes.

Q—Did you say you would sign an affidavit to that effect? A—I did not.

Q—Did Sullivan innocent of any complicity in the murder? A—Yes.

Mr. Whitman objected and was sustained.

Q—When in the West Side prison did you tell "Jack" Sullivan: "If you don't corroborate us, Mr. Whitman will have you indicted for murder in the first degree"? A—No.

Q—Did you tell "Jack" Sullivan he had better corroborate us? A—I did not.

Q—Did you tell "Jack" Sullivan he had better come in and get immunity? A—No.

Q—Did "Jack" Rose say to "Jack" Sullivan in prison that he was going to frame up on Becker as self-protection was the first law of nature? A—No.

Q—Never at any time? A—No.

Q—What did you say to Sullivan? A—"Come up, corroborate me, Weber and we'll get out." A—No, sir.

Q—What did you say to the Metropole on the night of the murder, and told Rosenthal, did you put your arm around his neck and say: "Herman, I am going to frame up Waldo, the Mayor or anybody else to get out of this"? A—That was not true.

Q—Did you speak to him? A—Yes, sir.

Q—What did you say? A—"Hello, Herman."

Q—And at that minute you knew he was going to be murdered? A—I did.

Q—Did your conscience trouble you? A—No.

An objection by Mr. Whitman sustained.

Q—How long did you remain? A—A few minutes.

Q—Did you see any others there? A—Yes, four or five.

Q—Before the murder, did you furnish the men with a support? A—The colored boy gave it to them as self-protection.

Q—But it was your food, was it not? A—Yes.

Q—Who did you tell first when you got back to the poker room that Rosenthal was at the Metropole? A—No one, in particular.

Q—What did you say? A—Rosenthal is at the Metropole.

Q—What did they do then? A—They all got up and went out.

Q—What were they? A—"Gyp" the Blood, "Lefty" Louis, "Jack" Rose, "Sam" Schepps, "Dago" Frank and "Whitey" Lewis.

One Kirk Brown There.

Q—Was Kirk Brown there that night? A—Yes, sir.

Q—What is he at your place? A—An employee.

Q—When the gunmen went away after your announcement of the presence of Rosenthal where did you stay? A—In my place.

Q—Did you go out learn if Rosenthal was shot? A—No.

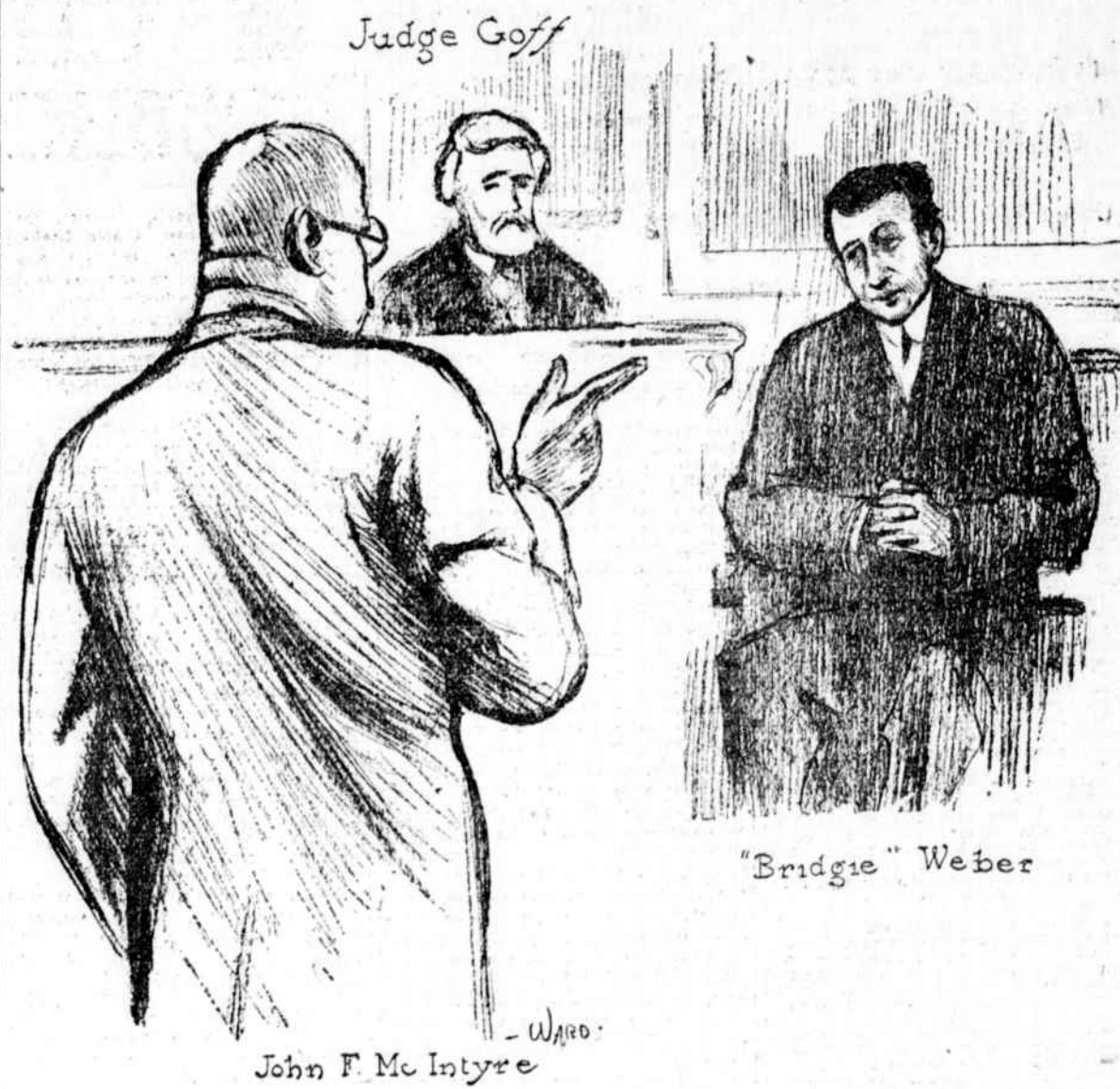
Q—Did you see Krause who testified he saw Rosenthal? A—No.

Q—Do you remember at the corner of the court that Krause pointed you out as being at the murder? A—No.

Q—Do you mean to say now that he did not see you at the scene of the murder? A—Yes.

Q—Now, do you deny that you were present at the murder? A—I do.

COUNSEL FOR DEFENCE CROSS-EXAMINING WEBER.



Judge Goff. "Bridgie" Weber. John F. McIntyre.

time before the murder. He admitted that he had sent Mrs. Rosenthal \$50 to help defray the funeral expenses the day after her husband was shot. He didn't say whether it was done as a "blind" or in kindness toward the victim's wife. He admitted that he felt somewhat "shocked" when he spoke friendly to Rosenthal at the Metropole a few minutes before the gambler was shot. Weber had come to the hotel to find the victim and take the word back to the gunmen who were waiting in his poker parlor at 42d street and Sixth avenue.

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Q—Did you ever gamble in his house? A—No.

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Q—In your direct examination you said that Becker said: "That is trying to see Waldo, Gaynor and the District Attorney. If he gets to the District Attorney there will be trouble. He ought to be croaked." Did you say that? A—Yes.

Q—When was that conversation? A—In the latter part of June.

Q—Was it so important that you can't remember? A—I can't recall the date.

Q—What time of the day was it? A—About 11:30 at night.

At this point Mrs. Weber, dressed in a black tailcoat suit and wearing a blue hat, with white trimming, entered the courtroom and took a chair inside the rail.

Q—At this meeting who was present? A—Vallon, Rose, Becker and myself.

Q—Did you ever see Itzky after that? A—Yes.

Q—When did you see him? A—I don't know.

Itzky Seemingly Important.

Q—Where did you see him? A—Around Second avenue, where I live.

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Q—When you say you were shocked, did you tell any one? A—No.

Q—Becker never did you any harm, never raised you? A—No.

Q—Did you tell your wife of the plot? A—No.

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Q—When you saw him, did you ever tell the defendant that Rosenthal was responsible for having your jaw broken? A—No.

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Q—Who was it? A—A man named Terrance, known as Tough Tony.

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Q—Did you ever say Rosenthal was the cause of you getting your jaw broken? A—I never did.

Q—Do you have any trouble with Becker? A—No.

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Q—You were not in fear of Becker, were you? A—I was not.

Q—He had never done anything to cause you alarm? A—No.

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Q—He is known as "Jack" Rose's lobbyist, isn't he? A—No.

Q—What is a lobbyist? A—A man who hangs on and around somebody.

Q—Do you remember that on the "Sam" Paul outing you men decided that the best thing to do was to give him an interest in the Eagle stucco game? A—No.

Coming to the night of the murder, Weber said he was arrested the same night. He admitted that he lied to the police and denied any connection with the murder. He admitted he had told Commissioner Dougherty that he had had nothing to do with it, and that Lieutenant Becker was innocent of any connection with Rosenthal's death. The witness said he was promised immunity by the District Attorney if he told the truth and it was shown that he did not fire a shot.

Counsel for the defense examined the witness in regard to his conversations with "Jack" Sullivan at various times. This line of inquiry showed that the defense intended to call Sullivan as a witness.

The cross-examination continued:

Q—How long have you known "Jack" Sullivan? A—Fourteen years.

Q—Where was he in the Tombs with this case? A—Yes.

Q—Did you talk with him? A—Yes.

Q—Where? A—We were in the same cell.

Q—How long did you talk to him? A—About two hours.

Q—How long was that before you made your confession? A—About a week before at Police Headquarters.

Q—Well, then, did you see him in the Tombs or City Prison or in the counsel room? A—Yes.

Q—Did you talk of the murder? A—Yes.

Q—At Headquarters, did you talk with him, Vallon and Rose? A—Yes.

Hints at "Frame-up."

Q—At any time during your confinement at Police Headquarters or the City Prison, did you say to "Jack" Sullivan: "I promised \$500 to 'Jack' Rose for him to be implicated in this"? A—No.

Q—Did you remember a conversation between "Jack" Sullivan and you in which Sullivan said: "Bridgie, for God's sake don't frame him up." And then you said: "I and Vallon and Rose would frame up Waldo, the Mayor or anybody else to get out of this"? A—That was not true.

Q—Do you remember on August 8 you occupied opposite cells? A—Yes.

Q—Do you remember at exercise period saying to Sullivan: "I am sorry for you"? A—Yes.

Q—You told Sullivan that he was innocent? A—Yes.

Q—Did you say you would sign an affidavit to that effect? A—I did not.

Q—Did Sullivan innocent of any complicity in the murder? A—Yes.

Mr. Whitman objected and was sustained.

Q—When in the West Side prison did you tell "Jack" Sullivan: "If you don't corroborate us, Mr. Whitman will have you indicted for murder in the first degree"? A—No.

Q—Did you tell "Jack" Sullivan he had better corroborate us? A—I did not.

Q—Did you tell "Jack" Sullivan he had better come in and get immunity? A—No.

Q—Did "Jack" Rose say to "Jack" Sullivan in prison that he was going to frame up on Becker as self-protection was the first law of nature? A—No.

Q—Never at any time? A—No.

Q—What did you say to Sullivan? A—"Come up, corroborate me, Weber and we'll get out." A—No, sir.

Q—What did you say to the Metropole on the night of the murder, and told Rosenthal, did you put your arm around his neck and say: "Herman, I am going to frame up Waldo, the Mayor or anybody else to get out of this"? A—That was not true.

Q—Did you speak to him? A—Yes, sir.

Q—What did you say? A—"Hello, Herman."

Q—And at that minute you knew he was going to be murdered? A—I did.

Q—Did your conscience trouble you? A—No.

An objection by Mr. Whitman sustained.

Q—How long did you remain? A—A few minutes.

Q—Did you see any others there? A—Yes, four or five.

Q—Before the murder, did you furnish the men with a support? A—The colored boy gave it to them as self-protection.

Q—But it was your food, was it not? A—Yes.

Q—Who did you tell first when you got back to the poker room that Rosenthal was at the Metropole? A—No one, in particular.

Q—What did you say? A—Rosenthal is at the Metropole.

Q—What did they do then? A—They all got up and went out.

Q—What were they? A—"Gyp" the Blood, "Lefty" Louis, "Jack" Rose, "Sam" Schepps, "Dago" Frank and "Whitey" Lewis.

One Kirk Brown There.

Q—Was Kirk Brown there that night? A—Yes, sir.

Q—What is he at your place? A—An employee.

Q—When the gunmen went away after your announcement of the presence of Rosenthal where did you stay? A—In my place.

Q—Did you go out learn if Rosenthal was shot? A—No.

Q—Did you see Krause who testified he saw Rosenthal? A—No.

Q—Do you remember at the corner of the court that Krause pointed you out as being at the murder? A—No.

Q—Do you mean to say now that he did not see you at the scene of the murder? A—Yes.

Q—Now, do you deny that you were present at the murder? A—I do.

Coming to the night of the murder, Weber said he was arrested the same night. He admitted that he lied to the police and denied any connection with the murder. He admitted he had told Commissioner Dougherty that he had had nothing to do with it, and that Lieutenant Becker was innocent of any connection with Rosenthal's death. The witness said he was promised immunity by the District Attorney if he told the truth and it was shown that he did not fire a shot.

Counsel for